



## OLIVER Q. DUNLAP

PARTNER

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Oliver Q. Dunlap is a Partner of Bartko Pavia LLP, where he serves as a civil litigator and trial attorney with extensive experience in handling complex legal matters across various industries, including life sciences, healthcare, technology, financial services, and energy and resources. He has successfully litigated cases involving class actions, antitrust issues, mass torts, complex commercial disputes, franchisor liability, product liability, business litigation, intellectual property, data privacy and cybersecurity, toxic torts and environmental defense, securities, internal investigations, international human and civil rights, and wine law. Oliver has been a frequent presenter and publisher at both Big Law medical device and pharmaceutical conferences, as well as with the AHLA. He was part of the “Pain Pump” litigation – including work with Stryker and Medtronic – and has worked on product liability matters involving robotic surgery and defibrillators, litigation involving early-stage genomic technology, and work with hospital systems and medical groups. His practice includes extensive litigation, arbitrations, and trials for his friends and clients in the life sciences and healthcare industries.

Additionally, he is recognized as a leader in confidentiality, protective orders, and document sealing in both state and federal courts, having contributed to establishing rules for the filing and protection of confidential documents and testimony in several jurisdictions. Throughout his extensive and highly diverse experience, Oliver has earned the respect and regard of his peers, opposing counsel, and the bench, with a reputation for persistence, pragmatism, and professionalism in his thoughtful, vigorous, and successful work on behalf of clients. Oliver represents Fortune 500 and 1000 companies, industry leaders, mid-sized corporations, and startups, always maintaining a focus on his clients’ litigation and business objectives. Before joining Bartko Pavia, Oliver worked at King & Spalding and Morrison & Foerster, and he served with

the Office of the Prosecutor at the Yugoslavia and Rwanda War Crimes Tribunal. He possesses significant state and federal experience and has led multi-firm and office teams in international complex litigation and major state and federal government investigations. He is actively involved in community organizations, state bar and pro bono work - where he is often enlisted for special projects by bar associations and the judiciary - as well as in professional diversity and training initiatives.

## **CREDENTIALS**

### **EDUCATION**

- LLM Coursework, University College London, England
- University of Texas, School of Law, Austin, J.D.
- Georgetown University, Washington, D.C., B.S.F.S.
- 1995 Kings College, University of London, England
- McGhee Center for Eastern Mediterranean Studies, Alanya, Turkey

### **BAR ADMISSIONS**

- California State Bar

### **COURT ADMISSIONS**

- United States Supreme Court
- United States Court of Appeals for the Ninth Circuit
- United States District Court for the Northern District of California
- United States District Court for the Eastern District of California
- United States District Court for the Southern District of California
- United States District Court for the Central District of California
- United States District Court for the District of Idaho

### **RECOGNITIONS**

- Northern California Super Lawyer (2023-2025)
- Northern California Super Lawyer "Rising Star" (2013)

- United Way Baby KoKo Awards (2014, 2015)
- Northern California Rising Star – Class Action/Mass Torts (2013)
- California Lawyer Magazine, Angel Award (2008)
- Wiley W. Manuel Award for Pro Bono Legal Services (2005, 2008, 2009)

## EXPERIENCE

### Antitrust

In recent federal class action antitrust litigation, Oliver led trial operations and the coordination of a multi-firm team for a large healthcare provider, ultimately obtaining a complete defense verdict for our client in a multibillion-dollar case, following a decade of litigation and months of trial. The case involved complex and cutting-edge antitrust theories, hundreds of witnesses and experts, and extensive confidential information from most major players in the California healthcare and insurance industry. Oliver handled expansive and intense sealing issues related to both documents and depositions, both in pretrial motions and discovery, as well as in the design and implementation of a novel pandemic set-up for the hybrid trial proceedings and testimony.

Oliver also has helped many clients successfully navigate informal investigation and third-party discovery demands in national and state high-risk and high visibility antitrust litigation. He has helped to lead industry joint defense groups and common interest efforts, maintaining the trust and respect of his peers, government investigators, and opposing counsel. He has also presented frequently with investigators, opposing counsel, and the bench on antitrust and related complex litigation matters.

### Healthcare Litigation

In addition to work on antitrust matters, Oliver also serves as counsel to healthcare providers and systems throughout California, assisting in successful arbitrations, litigation, and trials concerning contracting practices, employment and whistleblower complaints, privacy and data breaches, and billing and contract disputes. He has obtained numerous favorable decisions and settlements for clients in these matters, against both insurers and government entities.

### Franchisor Liability and Defense

Oliver represents national franchisors in California courts. In a recent matter, Oliver led the local counsel team that coordinated and successfully managed dozens of California state court actions by individual plaintiffs, resolving and/or trying matters while coordinating and collaborating with national counsel, insurance counsel, and counsel for individual franchises. His familiarity with courts, judges, and procedures across the state, and management and organization lead to successful resolution and protection of his clients' brand.

### Class Actions

Oliver has represented clients in the IT, medical device, pharmaceutical, news, and healthcare industries in both state and federal court class actions, as well as in similar JPML or JCCP coordinated proceedings. His work for these clients in all phases of the proceedings – discovery, pretrial motions, trial representation, and settlement negotiations – has resulted in numerous successful dispositive rulings and favorable settlements.

#### Commercial Litigation

Oliver serves as counsel for domestic and international technology, life sciences, healthcare, financial services, food & wine, design, e-commerce, retail, and energy companies in complex litigation and business disputes. He has successfully litigated issues involving sales contracts, contractor and employment agreements, stock option grants, fraud, tort and tortious interference, licensing and marketing contracts, pricing and accounting disputes, non-disclosure agreements, tax matters, and importation and antitrust issues in state and federal courts. He also guides clients to effectively mitigate risk pre- and post-litigation and provides strategic guidance on compliance with federal and state regulations – including privacy, data security and e-discovery regimes – writs of attachment, claims for equitable and injunctive relief, and California's Unfair Business Practices Code (§ 17200).

At a recent trial in Santa Clara County Superior Court, following successful cross-examinations of key plaintiff witnesses, Oliver argued Motion for Judgment that resulted in complete defense victory at close of plaintiff's case. The four-and-a-half year, highly contentious contract and tort litigation concerned allegations regarding the sale of defendant's products throughout Asia, and the company's acquisition of a Swedish software company. The case involved supervising and coordinating electronic files, witnesses, and other work with offices in Colorado, Sweden, Idaho, Malaysia, Hong Kong, Singapore, Seoul, and California.

Oliver negotiated settlement for a major accounting firm in a civil suit related to offshore tax strategies, following IRS litigation with a plaintiff who had engaged the firm's services. He also resolved individual and class claims brought in California courts against a reporting agency concerning personal credit reports and vendor double reporting.

#### Mass Tort & Life Sciences

Oliver represents leading pharmaceutical manufacturers in product liability, off-label marketing, and pricing disputes brought in state and federal courts. He has removed, litigated, and resolved mass claims related to statins, diabetes, anti-psychotic, and acid-reflux drugs, obtaining early dismissal or settlement in most cases.

Oliver also coordinates MDL and JCCP proceedings for large-scale litigation and has managed related removal proceedings and dockets for local distributors and medical device manufacturers. Throughout, he preserves patient privacy and confidentiality in the litigation process, including compliance with HIPAA and related regulations. He has overseen settlement and dismissal of

resolved cases in concurrent state and federal courts, including management of MSP and MMSEA issues, and related claims administration.

Oliver was lead counsel in California and Idaho medical board reviews of licensed medical and mental health professionals, based upon services provided to inmates in Idaho and California state prisons. He obtained an opinion reversal by opposing counsel's lead expert following deposition and initial review of expert reports in the case. He also provided deposition and trial testimony counsel to state hospital employees in civil and criminal lawsuits.

Oliver is a regular presenter and participant in industry-wide pharmaceutical and medical device conferences.

#### Toxic Tort & Environmental

Oliver successfully opposed a Notice of Violation under California Proposition 65 for a leading global petrochemical company and negotiated withdrawal of the Notice without the need for formal litigation. He also serves as counsel for chemical manufacturers in cases involving claims by private and public entities related to alleged groundwater contamination, for petrochemical companies in cases involving airborne emissions, and for high-tech companies in EPA superfund actions. In this work, he has successfully brought motions to disqualify experts, dismiss claims and limit damages based upon deposition testimony and IMEs.

Oliver manages litigation for a variety of fortune 1000 companies in product liability and premises claims stemming from alleged exposure to legacy asbestos-containing products, including negotiation of early dismissal, successful filing for summary judgment, and preparation for and successful litigation of cases at trial.

#### Intellectual Property

Oliver represents leading high-technology, electronics, and life-science corporations in patent infringement, trade secret, and design patent, trade dress, and trademark litigation before U.S. District Courts, the Federal Circuit, I.T.C., U.S.P.T.O., and various international bodies. As local counsel, Oliver has assisted in coordinating massive international patent litigation in the social networking, software, lithography, smart card, and pharmaceuticals industries. He also has acted as lead counsel in more discrete matters for leading retailers and foreign manufacturers, frequently negotiating early resolutions to matters for his clients. He has negotiated early resolutions and settlement agreements in matters for leading retailers, designers, and foreign manufacturers.

Oliver advises commercial design, energy, food production, and e-commerce businesses in securing, protecting, and monetizing their intellectual property, including trademark, copyright, trade dress, design patent and trade secret protection, and he has appeared and litigated before the ITC, Federal Circuit, District Court for the District of Columbia, and Northern District of California.

## Internal Investigations and Securities

Oliver provides counseling for Fortune 500 companies concerning state and federal regulatory regimes in connection with both formal and informal government investigations. He has created and implemented compliance best practices, privacy, data security, and e-discovery guidelines for clients, and his CIPP certification is pending. He has presented to corporate governance bodies and negotiated with DOJ, DOT, DHHS, FTC, FERC, SEC, and other governmental agencies. He guides clients to effectively mitigate litigation risk and corporate compliance issues and provides strategic guidance and representation in state and federal courts, and before government agencies and international tribunals.

Oliver has led internal investigations related to AG investigations of the insurance industry, auto manufacturers and backdating allegations, SEC investigations of insider trading claims, and private party actions for securities law violations. He has also managed internal investigations and electronic discovery related to product liability, marketing and pricing matters for financial services, tech, life sciences, and energy clients.

## International Human Rights – Alien Tort Statute

Oliver served with the United Nations' Office of the Prosecutor for the Yugoslavia and Rwanda War Crimes Tribunal. He has litigated issues of individual and corporate liability for violations of international law through his work with the United Nations and various NGOs. Mr. Dunlap has defended extraction companies in Alien Tort Statute actions brought by foreign plaintiffs and governmental entities. He has litigated issues of individual and corporate liability for violations of international law, and jus cogens norms applicable under the statute. He also has obtained fees, damages, and injunctive relief in civil rights lawsuit on behalf of transgendered state prison inmates, and in FOIA litigation related to immigrant communities, and he has represented San Francisco and Alameda counties' underserved people in various pro bono matters.

## Food & Wine Industry

Oliver represents collectors, auction houses, and vendors in efforts to address sales of counterfeit old and rare wines. He successfully resolved a multimillion-dollar dispute, traced known fakes to their sources, and assisted in local and federal law enforcement investigation of the industry.

Oliver has negotiated settlement of a marketing and sales contract dispute between a major wine and spirits producer and its former US importer and business partner, including conducting related investigations of South American production facilities and holdings.

Oliver has also provided regulatory guidance to a leading California nut and snack manufacturer.

## INSIGHTS

EVENTS | 04, APRIL 2025

### JOIN US FOR A VIRTUAL TOWN HALL

The Judicial Fairness Coalition, in collaboration with the California Lawyers Association, is hosting a Virtual Town Hall on April 10 at 4:30 PM PT for an in-depth discussion on the intersection of law, politics, and ethics. This event will explore the importance of judicial independence, the ethical...

PRESS RELEASE | 16, SEPTEMBER 2023

### OLIVER DUNLAP RECOGNIZED BY JUDICIAL COUNCIL AND CHIEF JUSTICE PATRICIA GUERRERO FOR WORK ON BENCH BAR COALITION'S EXECUTIVE COMMITTEE

At the State Bar and Judicial Council's recent annual conference, Bartko partner and shareholder Oliver Dunlap was recognized for his significant work with the Bench Bar Coalition—a statewide association of judges and leading attorneys whose mission is to enhance communication and...

PRESS RELEASE | 11, MARCH 2022

### BARTKO SCORES HUGE DEFENSE JURY VERDICT IN \$411 MILLION SUTTER HEALTH ANTITRUST CLASS ACTION

After a 5-week jury trial in the Northern District of California, Case No. 3:12-cv-04854-LB, the nine member jury returned a verdict on Friday, March 11 in favor of our client Sutter Health, finding that Sutter did not tie its hospital services together, and did not force insurance companies to contra...

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MEDIA MENTIONS | 06, APRIL 2021

### BARTKO'S OLIVER Q. DUNLAP APPOINTED 2021 CHAIR OF THE CONFERENCE OF CALIFORNIA BAR ASSOCIATIONS

Bartko is proud to announce that partner Oliver Dunlap has been appointed the 2021 Chair of the Conference of California Bar Associations (CCBA, formally known as the Conference of Delegates). Oliver previously served on the CCBA Board as Secretary. His appointment comes...

## PUBLICATIONS

- “Current Trends & Topics in Health Care Antitrust Law” AHLA Annual Meeting (2023)
- “Talk Without Speaking, Scream Without Raising Your Voice—U2 can Master the Art of Deposition” Associate Training and Development, Bartko (2023)
- “Ethics & Wellness in Law” Zoom Training and Workshop for Law Students (2020 to Present)
- “The Crown Act: Leaning, Understanding & Honoring” Zoom Webinar (2021)
- CCBA and State Bar CLE Conference: “Respecting Diversity in the Realm of Privacy and Data Security” (October 2017)
- Bar Association of San Francisco Bulletin, “Laws & the Lawyers (You Never Heard of) that Make Them” (September 2016)
- California Lawyer and Daily Journal, “New Rules for Litigators: 2016 Brings Significant Changes to the California Code of Civil Procedure (February 2016)
- Pharma U, “Genomes, Consent, and Courtrooms: Navigating the Legal and Ethical Challenges Related to Uses of Clinical Trial Biospecimens and Data” (Pharmaceutical University, 2015)
- Senate Bills 75 (enacted June 27, 2013) and 852 (enacted June 20, 2014); authored successful CCBA legislation to increase State Court budgets
- Bar Association of San Francisco Bulletin, “California’s Court Funding Crisis” (January 2012)
- Bar Association of San Francisco Bulletin, “Conference of California Bar Associations 2011, Long Beach: Take that Otto” (November 2011)
- Bar Association of San Francisco Bulletin, “Conference of Delegates” (April 2009)
- San Francisco Attorney Magazine, “Attorney Lifestyle” articles (Spring 2004 and Summer 2005)
- King & Spalding e-Learn: “Picking Fora: Trends in the Art of Removal”
- Discovery: Techniques, Strategies, Plans and Pitfalls in Complex Litigation (BALSF workshop)
- Complex Litigation – Discovery and Case Management (BALSF workshop)
- Building Your E-Discovery Tool Kit: Nuts & Bolts Issues Corporate Counsel Need to Know (Client workshop)

## AREAS OF FOCUS

## PRACTICES

Intellectual Property  
Litigation